

12.23.04

IFW #

Docket No: AM101193
Patent



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor of Application of: **Chengjin M. HUANG**
Application No.: **10/648,667** Group Art No.: **1648**
Filed: **August 26, 2003** Examiner: **Emily M. Le**
For: **MONOCLONAL ANTIBODY SPECIFIC FOR AN EPITOPE OF
INACTIVATED FELINE IMMUNODEFICIENCY-ENCODED
GLYCOPROTEIN**
Confirmation No.: **3920**
Customer Number: **25291**

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in reply to the Office Action mailed on September 22, 2004

In that Office Action, claims 1-22 were subject to restriction under 35 U.S.C. 121 as follows:

- I. Claims 1-10 and 19-22, drawn to monoclonal antibody specific for an epitope unique to an inactivated FIV-encoded glycoprotein, and a hybridoma cell line, classified in class 424 , subclass 130.1.
- II. Claims 11 and 14, drawn to a method for detection of an epitope unique to an inactivated FIV-encoded glycoprotein in a sample, classified in class 435, subclass 7.1.
- III. Claims 12 and 14, drawn to a method for determining the quantity of an inactivated FIV in a sample, classified in class 436, subclass 517.
- IV. Claims 13 and 14, drawn to a method for determining the potency of an inactivated FIV in a sample, classified in class 436, subclass 501.
- V. Claims 15-18, drawn to a method for the preparation of monoclonal antibodies for an epitope unique to an inactivated FIV-encoded glycoprotein, classified in class 435, subclass 70.21.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 100497645 US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

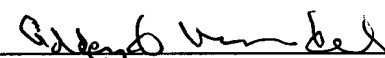
December 22, 2004
Date

Cecilia Chessell
Cecilia Chessell

Applicant provisionally elects to prosecute Group I, claims 1-10 and 19-22. It is noted that the restriction does not also require an election of species, and, therefore, no such election is made. The election is made with traverse. It is respectfully submitted that the evidence and explanation fail to establish a serious burden, and the scope of the search for the elected invention will necessarily cut across all the classes described in the restriction. In one specific aspect, for example, the explanation in the restriction as to why the invention of Groups I and V (claims 15-18) are distinct is not understood. Thus, the restriction states the process [claims 15-18] as claimed can be used to make other and materially different product. But, "as claimed", the claim recites that it is a process for an antibody which is specific ... Furthermore, the scope of the examined subject matter should be expanded once the invention of Group I is deemed patentable.

Based on the foregoing, it is respectfully submitted that the invention defined herein is in condition for further prosecution and allowance. A timely notice of allowance is respectfully requested.

Please contact the undersigned if any matters may be resolved by a telephone conference.



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